PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Logtenberg et al.

Serial No.: to be assigned

Filed: 19 July 2001

For: A SELECTIVELY-EXPRESSED EPITOPE ON THE HUMAN CD38 MOLECULE DETECTED BY A PHAGE DISPLAY LIBRARY-DERIVED HUMAN scFV ANTIBODY FRAGMENT

Examiner: to be assigned

Group Art Unit: to be assigned

Attorney Docket No.: 5016US

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Preliminary Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Before calculation of the filing fee, please amend the referenced application as follows:

IN THE CLAIMS:

Please cancel claims 10, 21 and 22 without prejudice or disclaimer.

4. (Amended) The binding molecule of claim 3, wherein said subset of cells comprises an activated hemopoietic cell.

6. (Amended) The binding molecule of claim 5, wherein said subset of cells comprises a T-cell and/or B-cell.

7. (Amended) The binding molecule of claim 6, wherein said binding molecule and/or a CD38 binding part thereof is selected from a phage display library.

9. (Amended) The binding molecule of claim 8, wherein said binding molecule comprises a human antibody and/or humanized Fab-fragment or a functional part, derivative and/or analogue thereof having binding activity for CD38.

14. (Amended) The method according to claim 13, wherein said subset of cells comprises an activated hemopoietic cell.

16. (Amended) The method according to claim 15, wherein said subset of cells comprises a T-cell and/or B-cell.

17. (Amended) The method according to claim 16, wherein said binding molecule and/or a CD38 binding part thereof is selected from a phage display library.

19. (Amended) The method according to claim 18, wherein said binding molecule comprises a human antibody and/or humanized Fab-fragment or a functional part, derivative and/or analogue thereof having binding activity for CD38.

Remarks

The application is to be amended as previously set forth. All amendments (including the cancellation of claims) are made without prejudice or disclaimer. The amendments are generally to remove multiple dependencies from the claims and otherwise focus the application for examinatin, more consistent with Office practice.

If questions exist after consideration of the foregoing, the Office is kindly requested to contact the undersigned.

Respectfully submitted,

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Date: July 19, 2001

VERSION SHOWING CHANGES MADE

4. (Amended) The binding molecule of [claim 2 or] claim 3, wherein said subset of cells comprises an activated hemopoietic cell.

6. (Amended) The binding molecule of [claim 2, claim 3, claim 4 or] claim 5, wherein said subset of cells comprises a T-cell and/or B-cell.

7. (Amended) The binding molecule of [claim 1, claim 2, claim 3, claim 4, claim 5, or] claim 6, wherein said binding molecule and/or a CD38 binding part thereof is selected from a phage display library.

9. (Amended) The binding molecule of [claim 1, claim 2, claim 3, claim 4, claim 5, claim 6, claim 7, or] claim 8, wherein said binding molecule comprises a human antibody and/or humanized Fab-fragment or a functional part, derivative and/or analogue thereof having binding activity for CD38.

14. (Amended) The method according to [claim 12 or] claim 13, wherein said subset of cells comprises an activated hemopoietic cell.

16. (Amended) The method according to [claim 12, claim 13, claim 14 or] claim 15, wherein said subset of cells comprises a T-cell and/or B-cell.

17. (Amended) The method according to [claim 11, claim 12, claim 13, claim 14, claim 15, or] claim 16, wherein said binding molecule and/or a CD38 binding part thereof is selected from a phage display library.

19. (Amended) The method according to [claim 11, claim 12, claim 13, claim 14, claim 15, claim 16, claim 17, or] claim 18, wherein said binding molecule comprises a human antibody and/or humanized Fab-fragment or a functional part, derivative and/or analogue thereof having binding activity for CD38.